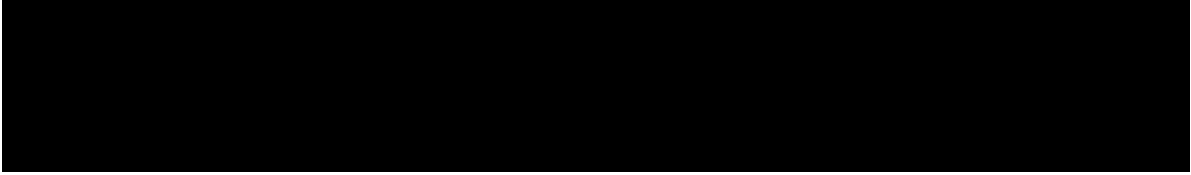


# EXHIBIT 56



OUTSIDE COUNSEL EYES ONLY

Transcript of Masaya Toda, Designated Representative, and Individually<sup>1</sup> (1 to 4)

Conducted on June 28, 2023

<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF DELAWARE</p> <p>3 -----x</p> <p>4 NIPPON SHINYAKU CO., LTD., : 5 Plaintiff, : 6 v. : 7 SAREPTA THERAPEUTICS, INC., : C.A. No. 21-1015 8 Defendant. : (GBW) 9 -----x</p> <p>10 SAREPTA THERAPEUTICS, INC. and : 11 THE UNIVERSITY OF WESTERN : 12 AUSTRALIA, : 13 Defendant/Counter-Plaintiffs, : 14 v. : 15 NIPPON SHINYAKU CO., LTD. and : 16 NS PHARMA, INC., : 17 Plaintiff/Counter-Defendants. : 18 -----x</p> <p>19 ** OUTSIDE COUNSEL EYES ONLY **</p> <p>20 Videotaped Deposition of NIPPON SHINYAKU CO., LTD. 21 By and Through Designated Representative MASAYA TODA 22 and In His Individual Capacity 23 Chicago, Illinois 24 Wednesday, June 28, 2023 25 9:01 a.m. CST</p>	<p>3</p> <p>1 A P P E A R A N C E S</p> <p>2 ON BEHALF OF NIPPON SHINYAKU CO., LTD. and NS 3 PHARMA, INC.: 4 WAN-SHON LO, ESQUIRE 5 MORGAN, LEWIS &amp; BOCKIUS LLP 6 110 North Wacker Drive 7 Chicago, Illinois 60606 8 312.324.1450 9</p> <p>10 ON BEHALF OF SAREPTA THERAPEUTICS, INC. and THE 11 UNIVERSITY OF WESTERN AUSTRALIA: 12 RYAN P. O'QUINN, ESQUIRE 13 FINNEGAN, HENDERSON, FARABOW, GARRETT &amp; 14 DUNNER, LLP 15 1875 Explorer Street 16 Suite 800 17 Reston, Virginia 20190-6023 18 571.203.2426 19</p> <p>20 ALSO PRESENT: 21 Kazuhira Kobayashi, Esq. (Nippon Shinyaku) 22 Fumihiko Kato, Esq. (Nippon Shinyaku) 23 Asami Isomichi (Interpreter) 24 Ellen Shang Travis (Check Interpreter) 25 Gabriel Martin (Planet Depos Videographer)</p>
<p>2</p> <p>1 Job No.: 4930116 2 Pages: 1 - 146 3 Reported Stenographically by: 4 Tiffany M. Pietrzyk, CSR RPR CRR</p> <p>5 6</p> <p>7 Videotaped deposition of MASAYA TODA, held at the 8 location of: 9</p> <p>10 MORGAN, LEWIS &amp; BOCKIUS LLP 11 110 North Wacker Drive 12 Chicago, Illinois 60606 13 312.324.1000 14 15</p> <p>16 Pursuant to notice, before Tiffany M. Pietrzyk, a 17 Certified Shorthand Reporter in the States of 18 Illinois, Texas, and California, Registered 19 Professional Reporter, Certified Realtime Reporter, 20 and a Notary Public in and for the State of 21 Illinois. 22 23 24 25</p>	<p>4</p> <p>1 C O N T E N T S</p> <p>2 EXAMINATION OF MASAYA TODA PAGE 3 By Mr. O'Quinn 15 4</p> <p>5 E X H I B I T S 6 (Attached to transcript.)</p> <p>7 DEPOSITION EXHIBITS PAGE 8 Exhibit 1 Notice of Rule 30(b)(1) 17 9 Deposition of Masaya Toda 10 Exhibit 2 Notice of Deposition of 18 11 Plaintiffs Pursuant to Fed 12 Rule Civ Procedure 30(B)(6) 13 Exhibit 2A Japanese translation of 18 14 Notice of Deposition of 15 Plaintiffs Pursuant to Fed 16 Rule Civ Procedure 30(B)(6) 17 Exhibit 3 English version of U.S. 32 18 LinkedIn profile of Masaya 19 Toda 20 Exhibit 4 A document entitled "[REDACTED]" 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] beginning Bates 24 number NS00090737 25</p>

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OUTSIDE COUNSEL EYES ONLY

Transcript of Masaya Toda, Designated Representative, and Individually<sup>2</sup> (5 to 8)

Conducted on June 28, 2023

5				7			
1	EXHIBITS (Cont.)			1	EXHIBITS (Cont.)		
2	DEPOSITION EXHIBITS	PAGE		2	DEPOSITION EXHIBITS	PAGE	
3	Exhibit 4A Japanese translation of a	44		3	Exhibit 8A Japanese machine translation	64	
4	document entitled '[REDACTED]			4	of a document entitled		
5	[REDACTED]			5	'[REDACTED]		
6	[REDACTED]			6	[REDACTED]		
7	[REDACTED] beginning Bates			7	beginning Bates number		
8	number NS00090737			8	NS00036893		
9	Exhibit 5 A document entitled [REDACTED]			9	Exhibit 9 '[REDACTED]		
10	[REDACTED]			10	[REDACTED],		
11	[REDACTED] dated			11	beginning Bates number		
12	9/20/19, beginning Bates			12	NS00036966		
13	number NS00065810			13	Exhibit 9A Japanese machine translation	78	
14	Exhibit 5A Japanese translation of a	52		14	of '[REDACTED]		
15	document entitled '[REDACTED]			15	[REDACTED],		
16	[REDACTED]			16	beginning Bates number		
17	[REDACTED]			17	NS00036966		
18	[REDACTED], beginning Bates			18	Exhibit 10 A document, '[REDACTED]		
19	number NS00065810			19	[REDACTED]		
20	Exhibit 6 [REDACTED]			20	[REDACTED]		
21	[REDACTED] beginning			21	[REDACTED], beginning Bates		
22	Bates number NS00036888			22	number NS00036968		
23				23			
24				24			
25				25			
6				8			
1	EXHIBITS (Cont.)			1	EXHIBITS (Cont.)		
2	DEPOSITION EXHIBITS	PAGE		2	DEPOSITION EXHIBITS	PAGE	
3	Exhibit 6A Machine-translated Japanese	56		3	Exhibit 10A Japanese machine translation	80	
4	version of '[REDACTED]			4	of '[REDACTED]		
5	[REDACTED] beginning			5	[REDACTED]		
6	Bates number NS00036888			6	[REDACTED]		
7	Exhibit 7 A document entitled '[REDACTED]			7	beginning Bates number		
8	[REDACTED]			8	NS00036968		
9	[REDACTED]			9	Exhibit 11 A document entitled '[REDACTED]		
10	[REDACTED], beginning Bates			10	[REDACTED]		
11	number NS00065827			11	[REDACTED]"		
12	Exhibit 7A Japanese translation of a	58		12	beginning Bates number		
13	document entitled '[REDACTED]			13	NS00091311		
14	[REDACTED]			14	Exhibit 12 '[REDACTED]		
15	[REDACTED]			15	[REDACTED],		
16	[REDACTED], beginning Bates			16	beginning Bates number		
17	number NS00065827			17	NS00091314		
18	Exhibit 8 A document entitled [REDACTED]			18	Exhibit 13 A document entitled	87	
19	[REDACTED]			19	[REDACTED]		
20	[REDACTED] beginning Bates			20	[REDACTED]		
21	number NS00036893			21	[REDACTED]		
22				22	beginning Bates number		
23				23	NS00091312		
24				24			
25				25			

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OUTSIDE COUNSEL EYES ONLY

Transcript of Masaya Toda, Designated Representative, and Individually<sup>15</sup> (57 to 60)

Conducted on June 28, 2023

<p>57</p> <p>1 documents. Or not certified translations.</p> <p>2 MR. O'QUINN: Understood.</p> <p>3 MS. LO: Counsel, the Japanese version of</p> <p>4 this document doesn't have -- oh, I'm sorry. Okay.</p> <p>5 BY MR. O'QUINN:</p> <p>6 Q. Toda-san, do you understand this to be the</p> <p>7 executed version of the [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 A. Yes.</p> <p>[REDACTED]</p> <p>13 A. Yes.</p> <p>[REDACTED]</p>	<p>59</p> <p>1 INTERPRETER: I'm sorry. My mistake.</p> <p>2 (Interpreter translated question again.)</p> <p>3 A. I haven't seen this before.</p> <p>4 MS. LO: I'll note an objection to the use</p> <p>5 of Exhibit 7, which does not appear to be a</p> <p>6 certified translation.</p> <p>7 BY MR. O'QUINN:</p> <p>[REDACTED]</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>
<p>58</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 MR. O'QUINN: Let's take a break.</p> <p>4 THE VIDEOGRAPHER: We are going off the</p> <p>5 record at 11:22 a.m.</p> <p>6 (A short break was had.)</p> <p>7 THE VIDEOGRAPHER: We are back on the record</p> <p>8 at 11:31 a.m.</p> <p>9 BY MR. O'QUINN:</p> <p>10 Q. Welcome back, Mr. Toda.</p> <p>11 MR. O'QUINN: I am gonna mark, as Toda</p> <p>12 Exhibit 7, an English-language version of a</p> <p>13 production document, bearing initial Bates number</p> <p>14 NS00065827.</p> <p>15 And Exhibit 7A is the Japanese version of</p> <p>16 the same document.</p> <p>17 (Exhibit 7 was marked for identification</p> <p>18 and is attached to the transcript.)</p> <p>19 (Exhibit 7A was marked for identification</p> <p>20 and is attached to the transcript.)</p> <p>[REDACTED]</p> <p>24 Have you seen this document before?</p> <p>25 A. Yes.</p>	<p>60</p> <p>[REDACTED]</p> <p>5 A. Yes. As far as my understanding is</p> <p>6 concerned, yes.</p> <p>[REDACTED]</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>[REDACTED]</p>

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OUTSIDE COUNSEL EYES ONLY

Transcript of Masaya Toda, Designated Representative, and Individually<sup>16</sup> (61 to 64)

Conducted on June 28, 2023

61

63

16 MS. LO: Objection to the extent it calls  
17 for a legal conclusion.

19 Do you see that?

20 A. Yes.

21 MR. O'QUINN: I'm going to mark, as Toda  
22 Exhibit 8, an English-language version of a  
23 production document, bearing initial Bates number  
24 NS00036893, with Exhibit 8A being a Japanese machine  
25 translation of the same document.

62

64

3 Do you see that?

4 A. Yes.

1 (Exhibit 8 was marked for identification  
2 and is attached to the transcript.)

3 (Exhibit 8A was marked for identification  
4 and is attached to the transcript.)

5 BY MR. O'QUINN:

15 MS. LO: I'll caution the witness not to  
16 divulge the substance of any attorney-client  
17 communications in your answer, but you may answer,  
18 if you can.

OUTSIDE COUNSEL EYES ONLY

Transcript of Masaya Toda, Designated Representative, and Individually<sup>17</sup> (65 to 68)

Conducted on June 28, 2023

65

19 MS. LO: Objection to the extent it calls  
20 for a legal conclusion.

21 MS. LO: Objection. Calls for a legal  
22 conclusion. Outside the scope.

25 Do you see that?

66

68

1 Do you see that?  
2 A. Yes.

18 Do you see that?  
19 A. Yes.

23 MS. LO: Object -- oh, never mind. I see  
24 it. Withdrawn.  
25 INTERPRETER: 90 -- what?

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OUTSIDE COUNSEL EYES ONLY

Transcript of Masaya Toda, Designated Representative, and Individually<sup>18</sup> (69 to 72)

Conducted on June 28, 2023

<div>1 Do you see that?</div> <div>2 A. Yes.</div>	<div>69</div> <div>71</div>
<div>3</div>	<div>MS. LO: Objection. Outside the scope.</div>
<div>18 MS. LO: Objection. Outside the scope. The</div> <div>19 witness can answer in his personal capacity.</div>	<div>24</div>
<div>25</div>	<div>MS. LO: Objection. Outside the scope.</div> <div>A. I wouldn't know.</div>
<div>70</div>	<div>72</div>
<div>3</div> <div>4</div>	<div>MS. LO: Objection. Outside the scope.</div> <div>A. I don't know. I don't know that.</div> <div>12 MS. LO: Objection. Calls for a legal</div> <div>13 conclusion.</div>

OUTSIDE COUNSEL EYES ONLY

Transcript of Masaya Toda, Designated Representative, and Individually<sup>19</sup> (73 to 76)

Conducted on June 28, 2023

73

75

4 MS. LO: Objection to the extent it calls  
5 for a legal conclusion.

18 MS. LO: Objection. Vague. Outside the  
19 scope.

74

76



OUTSIDE COUNSEL EYES ONLY

Transcript of Masaya Toda, Designated Representative, and Individually 20 (77 to 80)

Conducted on June 28, 2023

<p>1 MR. O'QUINN: I can't hear you.</p> <p>12 MR. O'QUINN: Let's stop there and take our</p> <p>13 lunch break.</p> <p>14 THE VIDEOGRAPHER: We are going off the</p> <p>15 record at 12:32 p.m.</p> <p>16 (A short break was had.)</p> <p>17 THE VIDEOGRAPHER: We are back on the record</p> <p>18 at 1:22 p.m.</p> <p>19 BY MR. O'QUINN:</p> <p>20 Q. Welcome back, Mr. Toda.</p> <p>21 MR. O'QUINN: I am marking, as Toda</p> <p>22 Exhibit 9, a document, bearing initial Bates number</p> <p>23 NS00036966.</p> <p>24 And Toda Exhibit 9A, which is a machine</p> <p>25 translation into Japanese of the same document.</p>	<p>77</p> <p>79</p> <p>19 Q. Okay. You can put that aside.</p> <p>20 MR. O'QUINN: I have marked, as Toda</p> <p>21 Exhibit 10, an English-language production document,</p> <p>22 bearing initial Bates number NS00036968.</p> <p>23 (Exhibit 10 was marked for identification</p> <p>24 and is attached to the transcript.)</p> <p>25 MR. O'QUINN: And I have marked, as Toda</p>
<p>1 (Exhibit 9 was marked for identification</p> <p>2 and is attached to the transcript.)</p> <p>3 (Exhibit 9A was marked for identification</p> <p>4 and is attached to the transcript.)</p>	<p>78</p> <p>80</p> <p>1 Exhibit 10A, a Japanese machine translation of the</p> <p>2 same document.</p> <p>3 (Exhibit 10A was marked for</p> <p>4 identification and is attached to the</p>

OUTSIDE COUNSEL EYES ONLY

Transcript of Masaya Toda, Designated Representative, and Individually<sup>37</sup> (145 to 148)

Conducted on June 28, 2023

9 MR. O'QUINN: All right. Thank you very  
10 much.

11 We'll reconvene at 9:00 a.m. Central  
12 tomorrow.

13 THE VIDEOGRAPHER: We are going off the  
14 record at 5:49 p.m. with the end of Day 1 in the  
15 deposition of Masaya Toda.

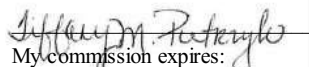
16 (Off the record at 5:50 p.m.)  
17  
18  
19  
20  
21  
22  
23  
24  
25

146

1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC  
2

3 I, Tiffany M. Pietrzyk, CSR RPR CRR, the  
4 officer before whom the foregoing deposition was  
5 taken, do hereby certify that the foregoing  
6 transcript is a true and correct record of the  
7 testimony given; that said testimony was taken by me  
8 stenographically and thereafter reduced to  
9 typewriting under my direction; that reading and  
10 signing was not requested; and that I am neither  
11 counsel for, related to, nor employed by any of the  
12 parties to this case and have no interest, financial  
13 or otherwise, in its outcome.  
14

15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand and affixed my notarial seal this 7th of  
17 July, 2023.  
18  
19  
20  
21

22   
23 My commission expires:  
24 February 28th, 2024  
25

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8/21/2023

—DocuSigned by:

Chasaya Tola

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(Signature)

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[illegible]

(Date)

(Signature)

No. 493016

Re: Deposition of **Masaya Toda, Designated Representative, and Individually**

Date: 6/28/2023

Case: Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

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## ACKNOWLEDGMENT OF DEPONENT

I, Masaya Toda, Designated Representative, and Individually, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

8/21/2023

(Date)

DocuSigned by:



DA53B7A1C08B4A7...

(Signature)